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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Samuel Cavallaro et al.
Serial No. : 09/991,200
Filed : November 16, 2001
For : Fully Intergrated Critical Care Workstation
Examiner : Lilian Vo
Art Unit : 2127

Rule 131 Declaration of Wolfgang Scholz

I, Wolfgang Scholz, declare as follows.

1. I am an inventor named in the above identified subject patent application.
2. I am informed and believe that claims 1-7 of the subject patent application are rejected with reference to U.S. Patent No. 6,793,625-Cavallaro et al.
3. Attached hereto and made part of this declaration are the following Exhibits:
 - i. Exhibit A is a electronic mail message from Sam Cavallaro dated July 28, 2000 which discloses the details of the invention which are disclosed in Exhibit B.
 - ii. Exhibit B is a true copy of a signed Requirement Specification Release Version; VFU Document # 1-5957282 dated April 18, 2000 which discloses the invention claimed in the subject application.
4. I conceived, with my co-inventors, the invention disclosed in the subject application in the United States and reduced the invention to practice on or before November 13, 2000 as evidenced by Exhibits A and B.

5. The invention as claimed in claim 1 comprises a critical care workstation. The work Station includes a display device and a processor, coupled to the display device. The processor executes a general purpose operating system, controlling execution of a selected non-real-time application program for displaying images representing non-real-time data on the display device and a real-time kernel, controlling execution of a process for displaying images representing real-time data on the display device simultaneously with the display of the non-real-time data. Circuitry, responsive to user input, selects the non-real-time display program from among a plurality of available non-real-time display programs. Claims 2-7 are dependent on claim 1 and include additional features of the invention.

The features of the above claimed invention are outlined and disclosed in the highlighted sections of Exhibit A in combination with page 7 in section 4.1 entitled “Requirements Introduction” of Exhibit B. Specifically, the workstation having a display and processor coupled thereto is derived from section 4.1 on page 7 of Exhibit B as well as section 6.4 entitled “Display” on pages 19 – 20 of Exhibit B. The operating system controlling execution of a non-real time application process is derived from Exhibit A in combination with section 6.3 entitled “Software” on page 19 of Exhibit B in further combination with section 6.7 entitled “Patient View” on pages 21 – 23 of Exhibit B. The kernel for controlling the simultaneous display of real-time data with non-real-time data is derived from Exhibit A in combination with section 6.7.14.1 as well as in section 6.7.16 and 6.7.17 on pages 24 – 25 of Exhibit B. The circuitry, responsive to user input, that selects the non-real-time display program from among a plurality of available non-real time display programs is derived from Exhibit A as well as from section 5.11 entitled “Hardware” on pages 11 – 14 of Exhibit B in combination with Section 6.7 of Exhibit B as discussed above.

6. All statements made herein to my knowledge are true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful statements may jeopardize the validity of the Application or any patent issued thereon.

3/25/05

Date



Wolfgang Scholz